

## Budget Brief – Guardian ad Litem

BEA

EOCJ-CRT-01

### SUMMARY

The Office of the Guardian ad Litem (GAL) provides state-funded attorneys to represent the best interests of minors in Juvenile Court when there are allegations of abuse, neglect, or dependency. The GAL also represents minors when allegations of abuse arise in the District Court during divorce proceedings or in a criminal case when the victim is a child.

### ISSUES AND RECOMMENDATIONS

There are several issues facing the Office of the Guardian Ad Litem (GAL). These include (1) attorney salaries, (2) appropriate caseload growth and (3) contract attorney rates.

According to the GAL, the average turnover rate among GAL attorneys over the past 2 years was 27%. While they are State attorneys, GALs currently earn an average of 30% less than their counterparts in the Attorney General's office. GAL attorneys who remain employed for several years also experience "compression", where over time COLA increases do not keep pace with the market.

Appropriate caseloads for GAL attorneys has been an issue of interest in recent years. A standard of 100 clients per GAL attorney has been firmly set by the American Bar Association and the National Association of Counsel for Children. In FY 2007 the GAL attorneys in Utah represented an average of 257 clients. That number has been reduced to an average of 213 clients due to an additional appropriation last year. While caseloads have improved, they are still more than double the standard.

Another significant issue currently facing the GAL are contract attorney rates. There are cases where a GAL attorney is appointed to represent a child and a legal conflict of interest exists which prohibits the representation (such as when a child's teen mother is already represented by a GAL). In those cases the GAL office must hire an outside attorney to represent the child. These "conflict attorneys" are paid \$50.00 per hour, a rate established more than a decade ago. Frequently attorneys are now declining to take these cases and attributing this to low compensation.

### ACCOUNTABILITY

Prior to FY 2008 there was a change in the performance measurement system. Where the old system measured the number of cases, the new system will measure the

Figure 1: Courts - Guardian ad Litem - Budget History

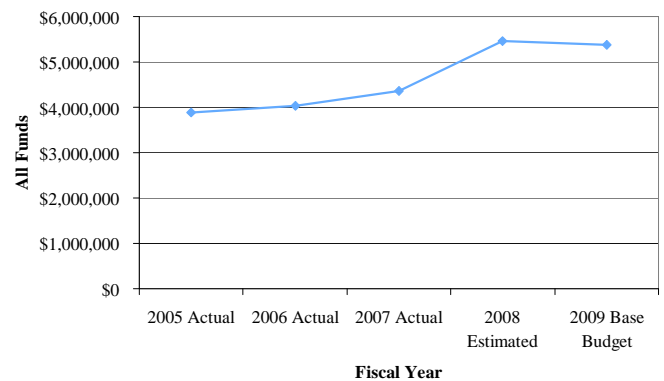


Figure 2: Courts - Guardian ad Litem - FTE History

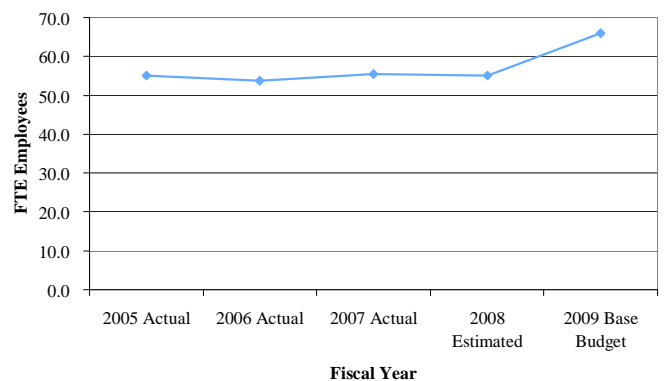
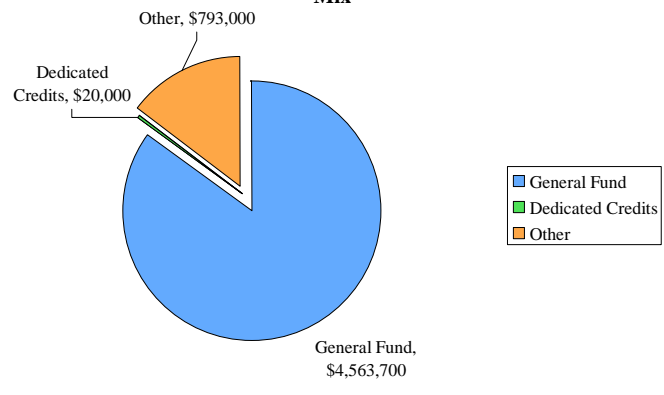


Figure 3: Courts - Guardian ad Litem - FY 2009 Funding Mix



number of clients. The new system is being implemented and measures will be available in FY 2009. Included are the older performance metrics.

Federal and state statutes require certain time frames be met when dealing with juveniles, especially in cases of neglect, abuse or where foster care is involved.

Management of the caseload and representation of all court assignments are key elements for the office. In FY 2006 Utah GALs had approximately 179 cases with an average of 2 children per case.

<b>Guardian ad Litem Summary</b>							
Year	Total FTEs	Number of GALs	Number of Open Cases			# Cases per GAL	GAL Turnover
			District	Juvenile	Total		
FY 2001	46	27	926	2667	3593	133	5
FY 2002	58	29	1231	2758	3989	138	4
FY 2003	54	29	1571	3195	4766	164	6
FY 2004	55	32	1426	2998	4424	138	5
FY 2005	56	33	1902	3318	5220	161	3
FY 2006	54	30	1887	3397	5284	179	4

### **BUDGET DETAIL**

Nearly 85% of the budget of the GAL are General Funds. The other sources of funding for the GAL are General Fund Restricted Accounts and Dedicated Credits.

### **LEGISLATIVE ACTION**

1. The Analyst recommends a base budget for Guardian ad Litem of \$5,376,700.
2. Consider non-lapsing intent language.

**BUDGET DETAIL TABLE**

Courts - Guardian ad Litem						
Sources of Finance	FY 2007 Actual	FY 2008 Appropriated	Changes	FY 2008 Revised	Changes	FY 2009* Base Budget
General Fund	3,543,500	4,563,700	0	4,563,700	0	4,563,700
General Fund, One-time	(12,700)	75,100	0	75,100	(75,100)	0
Dedicated Credits Revenue	17,700	20,000	0	20,000	0	20,000
GFR - Children's Legal Defense	424,000	437,700	0	437,700	0	437,700
GFR - Guardian Ad Litem Services	348,700	355,300	0	355,300	0	355,300
Beginning Nonlapsing	42,800	0	0	0	0	0
<b>Total</b>	<b>\$4,364,000</b>	<b>\$5,451,800</b>	<b>\$0</b>	<b>\$5,451,800</b>	<b>(\$75,100)</b>	<b>\$5,376,700</b>
<b>Programs</b>						
Guardian ad Litem	4,364,000	5,451,800	0	5,451,800	(75,100)	5,376,700
<b>Total</b>	<b>\$4,364,000</b>	<b>\$5,451,800</b>	<b>\$0</b>	<b>\$5,451,800</b>	<b>(\$75,100)</b>	<b>\$5,376,700</b>
<b>Categories of Expenditure</b>						
Personal Services	3,943,400	4,974,100	(99,700)	4,874,400	0	4,874,400
In-State Travel	47,200	59,200	8,000	67,200	0	67,200
Out of State Travel	3,700	2,900	0	2,900	0	2,900
Current Expense	356,800	395,600	111,700	507,300	(75,100)	432,200
DP Current Expense	12,900	0	0	0	0	0
Capital Outlay	0	20,000	(20,000)	0	0	0
<b>Total</b>	<b>\$4,364,000</b>	<b>\$5,451,800</b>	<b>\$0</b>	<b>\$5,451,800</b>	<b>(\$75,100)</b>	<b>\$5,376,700</b>
<b>Other Data</b>						
Budgeted FTE	55.5	55.0	0.0	55.0	11.0	66.0
Vehicles	5.0	5.0	0.0	5.0	0.0	5.0

\*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.